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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/809,602   | 03/14/2001  | Andrew W. Wilson     | ADAPP085A2          | 4955             |
| 25920  | 7590        | 04/21/2005           | EXAMINER            |                  |
| MARTINE PENILLA & GENCARELLA, LLP<br>710 LAKEWAY DRIVE<br>SUITE 200<br>SUNNYVALE, CA 94085 |             |                      | DENNISON, JERRY B   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2143                |                  |

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/809,602 | <b>Applicant(s)</b><br>WILSON, ANDREW W. |  |
|                              | <b>Examiner</b><br>J. Bret Dennison  | <b>Art Unit</b><br>2143                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Action is in response to Amendment for Application Number 09809602 received on 19 November 2004.
2. Claims 1-27 are presented for examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 and 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ozzie et al. (U.S. Patent Number 6,640,241).

3. Regarding claim 1, Ozzie teaches a method for target device discovery on a network, comprising:

multicasting a signal from a master initiator over the network (Ozzie, col. 16, lines 44-65, col. 17, lines 30-65, device presence server);

determining if a previously registered target re-registered with the master initiator by a unicast to the master initiator (Ozzie, col. 16, lines 50-65 and col. 17, lines 43-55, Ozzie teaches the communications manager responsible for managing all communications between devices wherein the transmissions can employ unicasting. The communications manager checks the status of registered devices);

maintaining the previously registered target on a list of active targets connected to the network (Ozzie, col. 17, lines 40-57); and

sending out a next multicast with information regarding the previously registered target to notify other initiators to maintain the previously registered target on the list of targets (Ozzie, col. 17 last paragraph).

4. Regarding claim 2, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the other initiators maintain the previously registered target on initiator target lists in response to the next multicast (Ozzie, col. 18, lines 15-20, Ozzie teaches the list of devices maintained on each device).

5. Regarding claim 3, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the master initiator is elected by comparing device identification numbers of a plurality of initiators connected to the network, the master initiator having the highest device identification number (Ozzie, col. 18, lines 15-20, Ozzie teaches the list of devices maintained on each device, wherein it is inherent that each device identification is being compared to keep the status updated).

6. Regarding claim 4, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the signals from the master initiator is in a form of master identification packets (Ozzie, col. 16, lines 50-55, Ozzie teaches multicasting, wherein packets are sent with an ID).

7. Regarding claim 5, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the next multicast has a sequence number greater by one than a previous sequence number (Ozzie, col. 16, lines 50-55, Ozzie teaches sending multicast packets, where it is inherent that each packet in sequence has a sequence number greater than one).

8. Regarding claim 6, Ozzie teaches the limitations, substantially as claimed, as described in claim 5, including wherein each of the other initiators determines if the signal has been missed by comparing information included within the signal with information contained within the next multicast (Ozzie, col. 17 line 43 through col. 18, line 20, Ozzie teaches the devices obtaining status information to see changes).

9. Regarding claim 7, Ozzie teaches the limitations, substantially as claimed, as described in claim 6, including wherein each of the other initiators requests target information contained in the signal when the sequence number of the next multicast is greater than the previous sequence number of the signal and no new target information is received in connection with the next multicast (Ozzie, col. 17 line 43 through col. 18, line 20, Ozzie teaches the devices requesting status information to see changes in status of other devices).

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10. Regarding claim 8, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the sending out occurs on a periodic basis (Ozzie, col. 17 line 58 through col. 18, line 5).

11. Regarding claim 9, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the network is one of an iSCSI network, an eSCSI network, a TCP/IP network, and an Ethernet network (Ozzie, col. 4, lines 60-67).

12. Regarding claim 10, Ozzie teaches the limitations, substantially as claimed, as described in claim 1, including wherein the previous registered target re-registers by unicasting information to the master initiator on a periodic basis (Ozzie, col. 16, lines 50-55).

13. The limitations of claims 11-14 and 16-22 are covered in the above rejection of claims 1-10. Therefore claims 11-14 and 16-27 are rejected by the same art as claims 1-10.

14. Claims 23-27 include a system performing the same limitations of claims 1-10, and are therefore rejected by the same art as claims 1-10.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozzie.

15. Regarding claim 15, Ozzie teaches the limitations, substantially as claimed, as described in claim 11, including wherein devices contain an identification number in order to keep status information of all devices, but does not explicitly state wherein the device identification number is a global unique identification (GUID) number. However it would have been obvious to one in the ordinary skill in the art at the time of the invention to use unique numbers in order for the system to be able to recognize devices from each other. It would have also been obvious to interpret this identification number as being global so devices containing a status list of all other devices has all identification numbers and is able to determine which devices are logged in (Ozzie, col. 18, lines 5-20). This benefits the system in allowing users to keep an up to date status on all devices in the system without the complication of multiple devices containing the same identification number.

#### ***Response to Amendment***

16. Applicant's arguments and amendments filed on 19 November 2004 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments include the failure of previously applied art to expressly disclose the teachings of "a master initiator where the master initiator is capable of multicasting over the network" [see Applicant's Response, page 2]. It is evident from the mappings found in the above

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rejection that Ozzie discloses the teaching of peer units each having a communications manager which enable each unit to act as a master unit by initiating the communication to the other devices, sending out a multicast message and keeping track of other peer units. Applicant argues that there is “no hierarchical relationship” [see Applicant’s Response, page 2]. The claimed invention does not show a hierarchical relationship other than saying “master initiator” wherein any device could be a master initiator as long as that device starts the multicast, as disclosed in Ozzie.

17. To further show that Ozzie disclosed the claimed invention, Ozzie also includes a device presence server (as noted in the above rejection), which monitors devices for their status by using device presence protocol functions. A standard device presence protocol function includes multicasting a message to the network and waiting for responses from devices, to identify their presence. Therefore, the device presence server acts as a “master initiator” as labeled in the claimed invention.

18. Further, it is clear from the numerous teachings (previously and currently cited) that the provision for using “multicasting to detect device presence” was widely implemented in the networking art.

19. Applicant only claims multicasting for device discovery. By Ozzie including multicasting from peer units to keep track of the status of other peer units, Ozzie disclosed the claimed invention.

20. Thus, Applicant’s arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear



to the Examiner that Ozzie clearly teaches the independent claims of the Applicant's claimed invention.

21. Applicant's arguments with respect to claims 1-14 and 16-27 are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's amendment to the claims, which significantly affected the scope thereof.

22. Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by Ozzie as well as other prior arts of records disclosed multicasting for device discovery is taught as well as other claimed features of Applicant's invention. By the rejection above, the applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

23. It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

24. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims

with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571)272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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